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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 GURDEEP BOPARAI,

9 Plaintiff,

10 v.

11 FRED MEYER COMPANY, et al.,

12 Defendants.

CASE NO. 2:24-cv-02045-JNW

ORDER DENYING MOTION TO
APPOINT COUNSEL

13
14 Plaintiff Gurdeep S. Boparai proceeds pro se and in forma pauperis (IFP) in
15 this employment discrimination case. Boparai's motion to appoint counsel comes
16 before the Court. Dkt. No. 23. Having considered the motion, the record, and the
17 relevant law, the Court is fully informed and denies the motion with leave to renew.

18 The constitutional right to appointed counsel "exist[s] only where the litigant
19 may lose [their] physical liberty if [they lose] the litigation." *Lassiter v. Dep't of Soc.*
20 *Servs.*, 452 U.S. 18, 25 (1981). In its discretion, a court may appoint counsel for
21 indigent litigants in civil actions proceeding IFP under 28 U.S.C. § 1915(e)(1).
22 *United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995). But
23 the Court cannot compel counsel to provide representation. *Mallard v. United*

1 *States Dist. Court*, 490 U.S. 296, 298 (1989). Instead, the Court may only “request”
2 counsel to serve. 28 U.S.C. § 1915(e)(1).


3 The decision to request pro bono counsel rests within “the sound discretion of
4 the trial court and is granted only in exceptional circumstances.” *Agyeman v.*
5 *Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (internal quotation
6 omitted). To decide whether exceptional circumstances exist, the Court must
7 evaluate both “the likelihood of success on the merits [and] the ability of the
8 [plaintiff] to articulate [their] claims pro se in light of the complexity of the legal
9 issues involved.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)
10 (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). The factors must be
11 viewed together before deciding whether to appoint counsel, but neither factor is
12 dispositive. *Id.* at 1331.

13 Finally, litigants in this district must submit a declaration stating the party’s
14 efforts to obtain counsel by means other than appointment, including having
15 connected with at least two other attorneys without securing representation. *See*
16 General Order 07-23, § 3(b).

17 Boparai’s application does not state whether he has met with attorneys; he
18 states only that he has tried to find an employment attorney and cannot afford one.
19 Dkt. No. 23 at 2. Nor does the motion directly address the merits of his claims. On
20 this minimal record, the Court does not find that exceptional circumstances exist
21 such that it should appoint counsel for Boparai.

1 Accordingly, the Court DENIES the motion to appoint counsel with leave to
2 renew. Dkt. No. 23. If Boparai renews his motion, he must comply with the Local
3 Civil Rules and provide some argument on the merits of his claims.

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5 Dated this 17th day of June, 2025.

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7 Jamal N. Whitehead
8 United States District Judge
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